IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.71 OF 2004

Mr.Joao Santan Dias (Dec.)
Through L.Rs. .. Petitioners

Vs.

Administrative Tribunal by Its
Chairman & Ors. .. Respondents

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Shri A.F.Diniz, Advocate for the petitioners.

S/Shri Navin Parekh, Sr.Advocate with M.P.Almeida and A. de Souza, Advocates for respondent Nos.3 to 11.

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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 19TH JANUARY, 2006

P.C.

1. Heard.

2. In view of the rulings already given by this Court in Gaspar Fernandes since deceased through legal heirs & Anr. v. Smt.Fatima S.Barreto & Ors., reported in 1993(3) BCR 628, Shri Purso Laximan Naik & Ors. v. Smt.Premavati Sonu Kavlekar & Ors., reported in 1998(1) Goa Law Times 425 as well as by the Apex Court in Raja Harish Chandra Raj Singh v. The Deputy Land

Acquisition Officer & Anr., reported in AIR 1961 SC 1500, and in D. Saibaba v. Bar Council of India & Anr., reported in (2003) 6 SCC 186, by consent of the parties, the impugned order is hereby quashed and set aside. Further, by consent, considering the fact that the notice could not be served on Amalia de Costa, as she was already dead when the notice was issued, the application for review filed by the applicants is hereby allowed and the applicants are allowed to file objections, if any, to the proceedings in terms of the Rule 7 of the Goa, Daman & Diu Land Revenue (Partition of Holdings) Rules, 1969 within a period of four weeks from today. The respondent No.2 thereupon should hear the parties within a period of eight weeks thereafter, and shall dispose of the matter in accordance with the provisions of law on or before 30th June, 2006, without fail.

3. The rule is made absolute in above terms with no order as to costs.

(R.M.S.KHANDEPARKAR, J)